

Application Serial No.: 09/904,300
April 29, 2003

REMARKS

Background

This Amendment is being filed in response to the Office Action dated January 29, 2003.

Claims 1-62 were originally filed with the application on July 12, 2001.

Claims 1, 9, 10, 11, 21, 22, 23, 25, 30, 33, 36 and 49 are currently amended by the present Amendment. Claims 32 and 62 are currently being cancelled. Accordingly, claims 1-31 and 33-61 are presently in the application. Claims 1, 11, 23, 36 and 49 are independent.

Objections to the Drawings

In the Office Action, the drawings were objected to as failing to comply with 37 CFR 1.84(p)(5) because reference numeral 1200, which appears in the specification as originally filed in Figure 8 and on page 18, line 14, was not depicted in Fig. 7.

Applicants have amended Fig. 7 to include reference numeral 1200 and submit a copy of the amended FIG. 7 concurrently herewith. For the convenience of the Examiner, the added reference numeral 1200 has been depicted in red. Applicants have also made formalistic amendments to FIGS. 4 and 11A, copies of those figures also being submitted concurrently herewith. Accordingly, applicants respectfully submit that the objections to the drawings under 37 C.F.R. §1.84(p)(5) have been overcome and withdrawal of those rejections is respectfully requested.

Objections to the Claims

In the Office Action, claims 10 and 22 were objected to because of certain informalities. Specifically, as detailed in the office action, claim 10 recited the phrase "and instant message" instead of the phrase "an instant message." With respect to claim 22, that claim also recited the

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phrase "and instant message" instead of "an instant message" in two instances. In addition, claim 22 recited the "first control" and "first computer" instead of the "second control" and "second computer," respectively.

By the present Amendment applicants have amended claims 10 and 22 to overcome the above-discussed informalities. Accordingly, applicants respectfully request that the examiner withdraw the objections to those claims.

Rejection Under 35 USC § 102(e)

In the Office Action, claims 1, 2, 4-11, 12, 14, 16-24, 30, 32, 34, 36-39, 41, 42-45, 47-50, 56, 58, 60 and 62 were rejected under 35 U.S.C. §102(b) based on U.S. patent no. 5,862,330 to Anupam et al.

Anupam is directed to a system for collaborative Web browsing. As disclosed by Anupam, a user, by way of a Web browser, accesses a "Home Page" of a Web site, where the user enters certain login information. See Anupam at column 2, lns. 50-52. The Web site contains lists of collaborative browsing sessions in progress. The user may then join an active collaborative browsing session, and have his or browser traverse the Web as a follower, with the follower's Web browser accessing the same Web pages as the browser of the leader of the session. To become a follower, the user selects a session to join and accesses that session from the "Home Page." The user, when desiring to become a follower, reviews a list of active public sessions, and selects which session to join, based upon, for example, the topic of the session. See Anupam at column 3, lns. 58-62. Anupam also discloses that private sessions may exist; for a user to become a follower in one of these sessions, the user must enter in a secret ID code that has been established for that session. See Anupam at column 2, lns. 62-67.

In the system of Anupam, the prospective follower must actively seek out which session to join by reviewing a list of active sessions. In the case of a private session, the prospective follower must also enter in a secret ID number.

As further described by Anupam, a user who wishes to create (or lead) a session indicates, by entering information at a Web page, a desire to create a session, and provides information regarding the session, which may include a name or topic of the session. If the session is to be a private session, the leader must provide a secret ID number which must be entered by prospective followers. See Anupam at column 2, lns. 54-59. Importantly, Anupam does not disclose the leader actively and/or directly soliciting prospective followers for a session. In contrast, in Anupam, the leader merely creates a session, the description of which is listed among others on a Web page. A prospective user (follower) must then review the list of active sessions, find, and then select, a session to join. Anupam does disclose members of a session exchanging text messages, but importantly, these text exchanges are only described as taking place after the follower has joined the session.

Anupam also discloses that the functionality of a session is facilitated by software resident on a user's computer, and that this software may include a Java applet. See Anupam at column 3, lns. 24-28. As conceded in the Office Action, Anupam does not disclose the use of ActiveX control or the transmitting of XML feeds.

Applicant's claimed invention, in contrast, as recited by claim 1, as amended, for example, is directed to a method of enabling a first computer to synchronize with a second computer so that the second computer is caused to navigate the Internet based upon Internet navigation of the first computer. The method comprises the steps of, *inter alia*, enabling the user

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of the first computer to communicate with the second computer to present a request for synchronization with the user of the first computer, enabling the user of the second computer to agree to synchronize with the user of the first computer, enabling the user of the first computer to synchronize with the user of the second computer, and controlling the Internet navigation of the second computer based upon Internet navigation of the first computer (see, by way of non-limiting example, FIGS. 5 and 10b of the present application).

Applicants respectfully submit that Anupam does not disclose all of the features of claim 23, as amended, of the present application. For example, claim 1, as amended, of the present application recites, *inter alia*, enabling the user of the first computer to communicate with the second computer to present a request for synchronization with the user of the first computer. Claim 1, as amended, also recites the limitation of enabling the user of the second computer to agree to synchronize with the user of the first computer. As discussed above, Anupam does not teach or describe or suggest a user of a first computer (leader) communicating with the second computer (prospective follower) to present a request for synchronization with the first computer. Nor does Anupam teach or describe or suggest enabling the user of the second computer to agree to synchronize with the user of the first computer. In contrast, Anupam discloses a system wherein a leader creates a session, and a prospective follower may review a list of active sessions at a particular Web site, and elect to join one of the sessions listed at the Web site. While Anupam does describe users in a session exchanging text messages, these exchanges occur only after the users have joined the session.

Independent claims 11 and 23, as amended, of the present application, are directed to methods with similar features to those of claim 1. For example, claim 11, as amended, of the

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present application recites enabling the user of the first computer to communicate with the second computer to present a request for synchronization with the user of the first computer, enabling the user of the second computer to agree to synchronize with the user of the first computer, and enabling the user of the first computer to synchronize with the user of the second computer. Claim 23, as amended, of the present application, recites similar limitations.

Independent claims 36 and 49, as amended, of the present application, are directed to systems with features similar to those of claims 1, 11 and 23. For example, claims 36 and 49, as amended, of the present application, are both directed to a systems that enable the user of the first computer to communicate with the second computer to present a request for synchronization with the user of the first computer and enable the user of the second computer to agree to synchronize with the user of the first computer.

As described above in the discussion of claim 1, Anupam does not disclose a system wherein a user of the first computer proactively communicates with the second computer to present a request for synchronization with the user of the first computer and being further operable in connection with software to enable the user of the second computer to agree to synchronize with the user of the first computer.

Dependent claims 2, 4-10, 12, 14, 16-22, 24, 30, 32, 34, 37-39, 41-45, 47, 48, 50, 56, 58 and 60 depend either directly or indirectly from one of claims 1, 11, 23, 36 and 49, as amended. Accordingly, applicants respectfully submit that claims 2, 4-10, 12, 14, 16-22, 24, 30, 34, 37-39, 41-45, 47, 48, 50, 56, 58 and 60 are distinguishable from Anupam, at least for the reasons stated above with respect to the rejection of claims 1, 11, 23, 36 and 49.

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Applicants thus respectfully submit that the inventions recited by claims 1, 2, 4-11, 12, 14, 16-24, 30, 34, 36-39, 41-45, 47-50, 56, 58 and 60, are patentably distinguishable over Anupam. Applicants further respectfully submit that the inventions recited by those claims are not anticipated by Anupam, as that reference fails to teach or suggest each element recited by those claims, as is required of a proper 35 U.S.C. § 102(b) reference. See, e.g., MPEP § 706.02. Accordingly, applicants respectfully request withdrawal of the rejection of those claims as anticipated by Anupam. Applicants further respectfully submit that the inventions recited by those claims are not rendered obvious by any proposed hypothetical combination of Anupam and any other prior art of record or with the knowledge of a person of ordinary skill in the art. Early notification of allowance is requested.

Rejections Under 35 USC § 103(a)

In the Office Action, claims 3, 13, 15, 25-29, 31, 33, 35, 40, 46, 51-55, 57, 59 and 61 were rejected under 35 U.S.C. §103(a) based on a hypothetical combination of Anupam and U.S. Patent No. 6,356,933 to Mitchell et al. ("Mitchell").

Applicants respectfully traverse those rejections. In the first instance, there is no teaching or suggestion in the references to make the hypothetical combination proposed in the Office Action, and thus the combination is improper.

Second, as discussed above with respect to the rejections under 35 USC § 102, independent claims 1, 11, 23, 36 and 49, as amended, of the present application, claim, *inter alia*, a system or method that enables the user of the first computer to communicate with the second computer to present a request for synchronization with the user of the first computer and enable the user of the second computer to agree to synchronize with the user of the first computer. As

discussed above, Anupam does not teach, suggest or provide motivation for those limitations. In fact, in requiring a second user to browse a Web site to find on-going sessions to join, Anupam teaches away from the present user-initiated invention.

Furthermore, Mitchell fails to cure that deficiency. Mitchell describes a system and method for transmitting application data between a client computer and a server over a network. Specifically, Mitchell discusses that, by downloading computer code to a client computer, a server can communicate with and control software on a client computer by transmitting a simple data description, instead of more complex computer code, over the network. See Mitchell at column 2, lns. 30-39. The software on the client computer has the ability to interpret the simplified data descriptions transmitted by the server. In this manner, as described by Mitchell, network travel and latency may be reduced. Mitchell also discloses that a portion of the computer code loaded to the client computer may include ActiveX control.

Importantly, as described above, Mitchell is directed to the transfer of data between a server and a client computer. See Mitchell at column 2, lns. 40-45. Mitchell is not directed to the transfer of data between client computers. In fact, because Mitchell describes a system whereby an application at a server controls the applications at a client computer, Mitchell may be understood as not only by silent on, but also teaching away from, a concept of one client (leader) computer controlling the actions of a second client (follower) computer.

Accordingly, applicants respectfully submit that, not only is there no motivation, either explicit or implicit, to combine Anupam and Mitchell, such a hypothetical combination does not disclose all of the features of claims 1, 11, 23, 36 and 491, as amended, of the present application. As described above, Mitchell describes the transfer of data between a server and a

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client, not between to different users. Mitchell does not teach, suggest or provide motivation to enable the user of the first computer to communicate with the second computer to present a request for synchronization with the user of the first computer and enable the user of the second computer to agree to synchronize with the user of the first. In addition, because Mitchell is directed to a system wherein a client computer is controlled by a server, Mitchell may be viewed as teaching away from the methods and systems of claims 1, 11, 23, 36 and 49, as amended, of the present application.

Dependent claims 3, 13, 15, 25-29, 31, 33, 35, 40, 46, 51-55, 57, 59 and 61 depend, either directly or indirectly, from one of claims 1, 11, 23, 36 and 49, as amended, of the present application. Accordingly, applicants submit that claims 3, 13, 15, 25-29, 31, 33, 35, 40, 46, 51-55, 57, 59 and 61 are patentable over the proposed hypothetical combination of Anupam and Mitchell, at least for the reasons stated above with respect to claims 1, 11, 23, 36 and 49, as amended, respectively, and respectfully requests withdrawal of the rejection of those claims.

Accordingly, applicants submit that claims 3, 13, 15, 25-29, 31, 33, 35, 40, 46, 51-55, 57, 59 and 61 are patentable over the proposed hypothetical combination of Anupam and Mitchell, and respectfully request withdrawal of the rejection of those claims.

Conclusion

Applicants have considered the prior art of record, and respectfully submit that none of the references relied upon by the Examiner in rejecting the claims of the present application, considered alone or in any hypothetical combination (between and among each other or with the knowledge of a person of ordinary skill in the art), teach or suggest applicant's invention, as recited by the claims of the present application.

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Applicant respectfully requests reconsideration of the present application in view of the amendments to the claims and in view of the remarks provided herein.

Early and favorable consideration of the present application in view of the amendments to the claims and remarks provided herein is respectfully requested. If the Examiner is not in a position to allow all claims as presently amended, the Examiner is urged to call the undersigned attorney at 212-806-5400. Any additional fees or charges required at this time or in the future in connection with the present application are hereby authorized to be charged to Deposit Account No.

19-4709.

Respectfully submitted,

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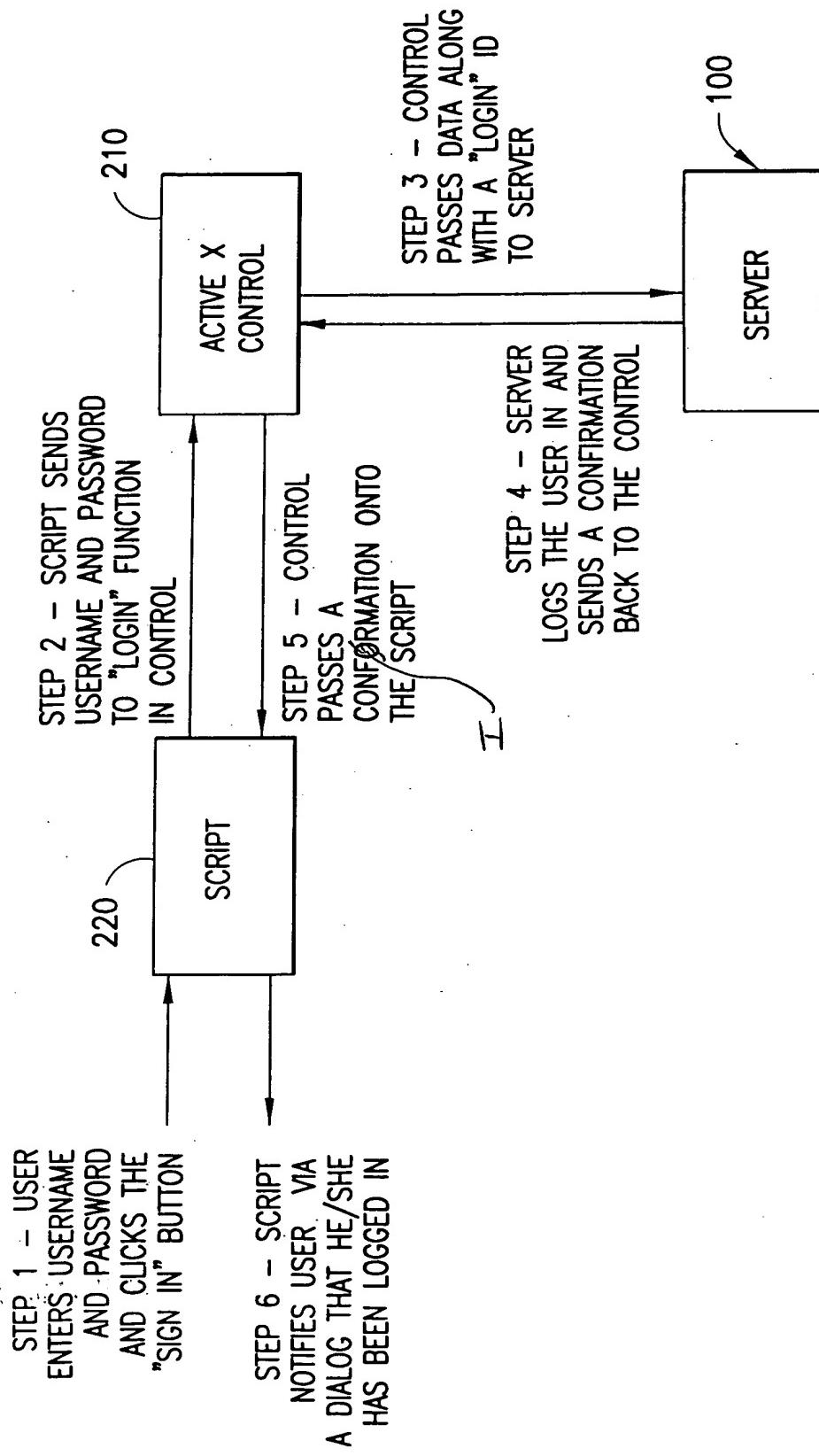


FIG. 4



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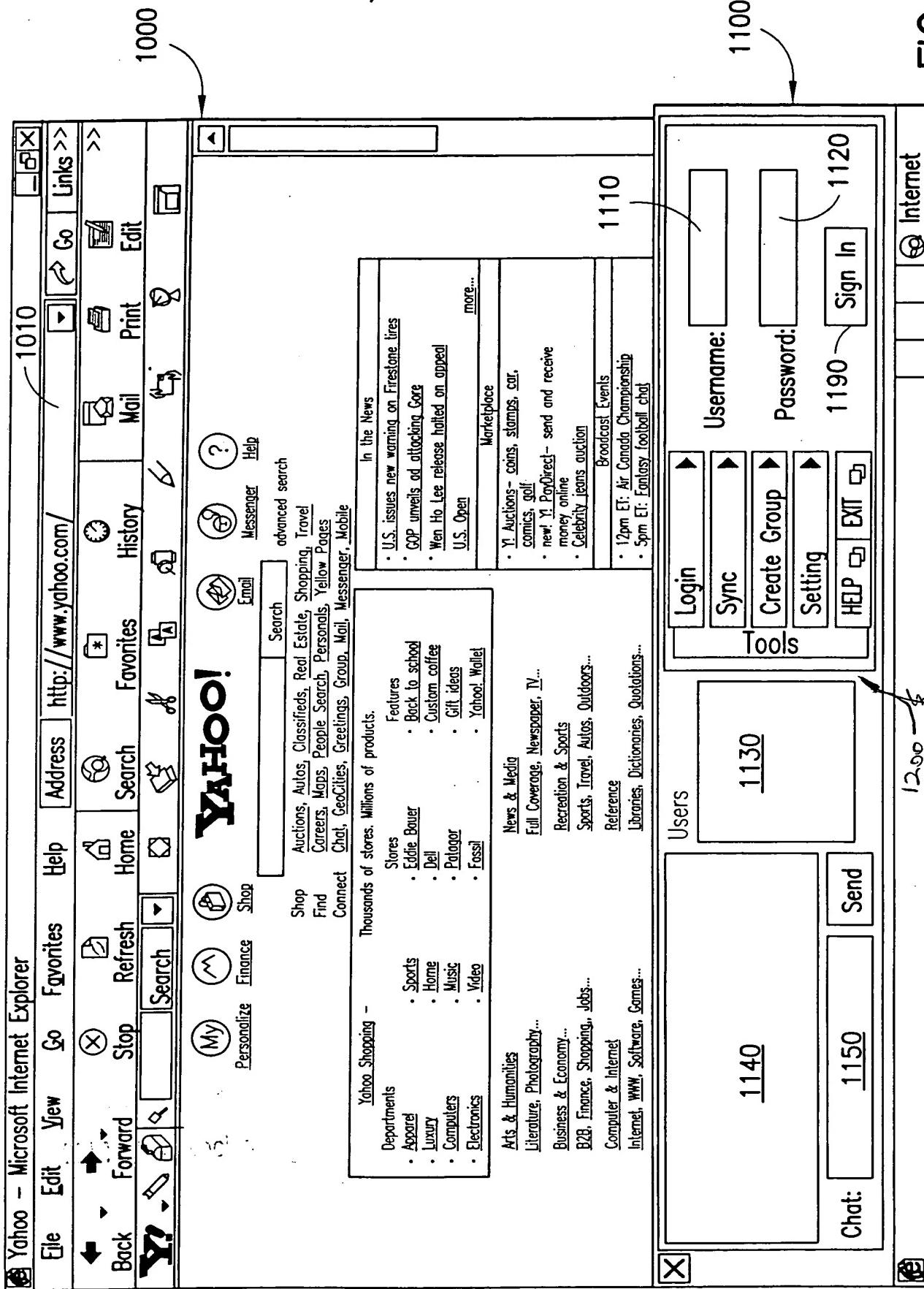


FIG.7

HTML PAGE-CONTAINS SCRIPTS, HTML AND INSTANCE OF WEB SYNC ACTIVE X CONTROL



User 1 at <http://www.yahoo.com>

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1010

Yahoo - Microsoft Internet Explorer

File Edit View Go Favorites Help Address <http://www.yahoo.com/> Back Forward Stop Refresh Home Search Favorites History Mail Print Edit

YAHOO!

All of Yahoo at a Click! Get Yahoo Components Now!

Personalize Shop My Finance

Shop Find Connect Auctions, Autos, Classifieds, Real Estate, Shopping, Travel Careers, Maps, People Search, Personals, Yellow Pages Chat, Geocities, Greetings, Group, Mail, Messenger, Mobile

Search advanced search

Thousands of stores. Millions of products.

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Apparel	Eddie Bauer	Custom coffee
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- Celebrity jeans auction
- Broadcast Events
- 12pm ET: Air Canada Championship
- 5pm ET: Fantasy football chat

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Users Login

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FIG. 11A